IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.736 OF 2005
CONNECTED WITH
COMPANY APPLICATION NO.531 OF 2005

In the matter of the Companies Act, 1956;

AND

In the matter of the Scheme of Amalgamation of The Himco (India) Limited with Kamat Hotels (India) Limited.

The Himco (India) Limited).. Petitioner

Mr.Hemant Sethi for the Petitioner.

Mr.C.J.Joy with Mr.R.C. Master for the Regional Director.

Mr.S.C.Gupta, Official Liquidator, present.

CORAM : SMT. NISHITA MHATRE, J.

DATED: 9TH DECEMBER 2005

P.C.:

. This is a Petition to obtain sanction to the proposed Scheme of Amalgamation under Sections 391 to 394 of the Companies Act, 1956 with Kamat Hotels (India) Limited.

2. The Regional Director has filed an affidavit stating that the latest financial position of the Company has not been furnished before this Court. The learned Counsel appearing for the Petitioner points out that at page 85 of the Petition is the

latest Auditor's Report. The appointed date as per the Scheme is 1st July 2005 and the audited accounts upto 30th June 2005 have already been filed. In my view, therefore, the objection raised by the Regional Director is unsustainable. All the statutory requirements have been complied with by the Petitioner. The Official Liquidator, present in Court, has no objection. Hence, the Petition is made absolute in terms of prayer clauses (a) to (h), subject to payment of costs to Regional Director and Official Liquidator quantified at Rs.2,500/- each.

2. All concerned parties including concerned Registrar of Companies to act on the ordinary copy of the Order and Scheme annexed to the Petition, authenticated by the Company Registrar, High Court, Bombay.

3. Filing of drawn up order is dispensed with.